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Dividing the Continental Shelf: Potential for Confrontation

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A Research Paper

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A Research Paper

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Comments and queries are welcome and may be
directed to the Chief, Geography Division, OGI, on

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The continental shelf, the part of the ocean floor seaward of the territorial sea that is subject to national jurisdiction, underlies more than one-third of the world's oceans. In recent years it has been the subject of numerous, sometimes heated, disputes. Thought to hold 23 percent of the world's oil reserves and 14 percent of its natural gas, the shelf also contains strategic hard minerals and supports most of the world's richest fishing grounds.

The United Nations Conference on the Law of the Sea (UNCLOS III), which ended in 1982 after eight years of negotiations on a new oceans treaty, standardized and gave legal status to the present concept of the continental shelf. The new treaty expanded the shelf's extent by more than 50 percent and gave it definite limits and a definite continental margin, thus reducing the uncertainty over jurisdictional claims. Various degrees of jurisdiction over ever-broader sections of their coasts and maritime and blue-water-rare nations that wanted to constrain these claims, which pose a potential threat to naval mobility and the flow of commercial traffic. In so doing, however, the new rules have exacerbated some existing maritime boundary disputes and set the stage for new ones as nations proceed to claim as much of the enlarged shelf area as possible.

nations to define their continental shelf on the basis of several broadly stated optional criteria—the most inclusive of which was the indefinite natural submarine prolongation of the nation's land territory, termed the continental margin (see diagram). This criterion, however, lacked a standard method for measuring the continental margin, and the continental margin, and, used alone, failed to compensate for the great worldwide variations in continental margin breadth. Off southern Peru, for example, the margin measures about 25 miles; south of New Zealand and north of Alaska, it measures more than 500 miles.¹ Another problem with the continental margin was the advance expansion of conditional claims—threatening traditional high seas freedoms as well as international sovereignty over the resources of the deep seabed—while narrow-margin nations were restricted to relatively small claims.

attempts to balance the interests of the major maritime nations with those of the coastal states. It stipulates that a nation may claim "continental shelf jurisdiction" over its margin as well as over the seabed beyond the margin but within 200 miles of the coast. Such jurisdiction affords the claimants exclusive authority over the exploration and exploitation of natural resources as well as over the construction and operation of artificial islands, installations, and other structures on or in its shelf. To these traditional rights, however, the Convention adds the obligations that the shelf's environment be safeguarded and that revenues derived from exploitation of resources of the margin extending beyond the 200-mile line be shared with the international community.

for abuse in fact in previous law. It has, however, also increased by some 60 percent that portion of the seabed subject to national jurisdiction—encouraging a proliferation of expanded coastal state claims to the world's seabed. Where coastal states border open seas, establishment of those new limits is in most cases a matter of unilateral extension and, therefore, unlikely to be contested. Where shelf claims overlap those of opposite or adjacent states, however, the opportunities for disputes that could escalate into international confrontations are abundant. The Convention provides no definitive guidance on how to delimit these boundaries. It states only that they be drawn on the basis of international law—ultimately the criteria of equitable principles or equidistance (see glossary).¹⁴

Most disputes over the continental shelf center on the competing economic interests of coastal states. While petroleum is the resource of chief concern, a variety of hard minerals of continental origin such as tin, ilmenite, magnetite, titanium, chromium, gold, and diamonds also can be taken from the shelf. Moreover, the 200-mile rule of the 1982 Convention affects coastal nations control over some mineral deposits of oceanic origin as well. These include the polymetallic (manganese) nodules of the seabed's abyssal plains, first brought to the surface more than 100 years ago; the polymetallic sulfides of the deep

The second boundary of the margin, as set forth in the *Meerhaeghe* decision, is the "substantiality" of the economic activity. The court found that the activities of the taxpayer were not substantial because they either 60 times increased or the sum of the nonqualifying sales and the thickness of the submittals of the first equal to least 100 times the sum of the sales of the taxpayer. The court found that the taxpayer's activities were not substantial because they either 60 times increased or the sum of the nonqualifying sales and the thickness of the submittals of the first equal to least 100 times the sum of the sales of the taxpayer. The court found that the taxpayer's activities were not substantial because they either 60 times increased or the sum of the nonqualifying sales and the thickness of the submittals of the first equal to least 100 times the sum of the sales of the taxpayer.

The diagram illustrates a cross-section of a continental margin. On the left, a thick wedge of rock is labeled 'Continental shelf'. A line marks the 'Shelf edge'. Beyond this edge, the seabed slopes downward, labeled 'Continental slope'. At the bottom of the slope, there is a 'Deep ocean' area. A 'Ocean ridge' is shown on the right side of the diagram. The entire area is labeled 'Continental Margin' at the top.

A lesser number of continental shelf disputes arise from the concerns of maritime and naval nations that increased coastal nation control of the expanded shelf area will erode historical high seas freedoms relating to commercial and military navigation, overflight, and intelligence gathering operations. The presence of drill rigs and mining installations, for example, and their noise and electronic emissions disrupt navigation and monitoring activities. Nations have the prerogative to close off portions of their shelves and overlying waters for scientific research or environmental protection purposes and, with full control over installations on the shelf, may demand or attempt the removal of foreign monitoring devices.

neighboring countries and 70 marking the seaward edge of national shelf jurisdiction—are required to fully divide the world's oceanic shelf. Fewer than 20 percent have been formally delimited to date, all in areas of overlapping claims. Of the remaining boundaries, a number have evolved or could evolve into disputes among the world's 119 coastal states that directly affect US economic, strategic, and security interests. Many of these disputes are recent in origin, having surfaced as countries perceived that important petroleum and other resources may exist off their shores. Others are old, bitterly contentious disputes over island ownership or boundary delimitation that have resurfaced or have been exacerbated by the prospect of expanded ocean jurisdiction.

solve a longstanding dispute over the precise location of their common boundary in the Bering Sea and Arctic Ocean have gained momentum recently following the two countries' declarations of 200-mile EEZs. Jurisdiction over important fisheries, and possibly petroleum reserves, is at stake as is access to strategic locations for maritime surveillance activities.

Bering Sea

Equidistant Method
A method for delimiting national maritime boundaries between neighboring countries that employs an *ad hoc* of lines drawn midway between opposing and adjacent coasts.

An overview of delimiting national frontiers between states between neighboring countries that takes into account, inter alia, lengths and configurations of the coastlines, the presence of geographic anomalies such as offshore islets and rocks, and historical uses of the area in question. Equidistant lines may be used.

with the United States preferring a great circle line (the shortest distance between points on a globe) and the Soviets preferring a line of constant course.

These disagreements are most critical in the Aegean Sea, where three areas are in dispute: (1) the area lying between the 1967 line and the Soviet depictions of the 1967 line, (2) an area lying within the Soviet EEZ claim but on the United States side of the 1967 line, and (3) an area beyond both countries' EEZs but subject to continental shelf jurisdiction. The two countries share a particular interest in the first two areas, which encompass part of the Navarino Basin—an Ohio-size geologic structure near the edge of the continental margin west of St. Matthew Island.

Postovoy. Only the Vostochny Shirokii has begun to drill the basin; its efforts—which have included test drilling and, in April 1984, a lease sale—have on occasion evoked a sharp response from the Soviets. As in 1983 when they dispatched a reconnaissance plane to buzz the test drilling operation of a US company located well east of the disputed area. During the most recent boundary talks in July 1984, the USSR proposed a moratorium on petroleum development in the area until the boundary is resolved.

the United States jurisdiction over the bulk of the strategically located Chukchi Plateau—a potentially oil-bearing component of the continental margin extending more than 600 miles poleward from the Alaskan coast. The northern terminus of the line, however, cannot be determined until the two sides agree on the location of the edge of the continental margin. Formal agreement on the Arctic Ocean segment of the boundary is probably await resolution of the Bering Sea segment, which shows signs of becoming a potential underdarkline.

United States-Canada. Longstanding disputes between the United States and Canada over their maritime boundaries have become more prominent in recent years as the two neighbors have sought to

[illegible]

A second US-Canadian maritime boundary dispute involves delimitation of offshore hydrocarbon jurisdiction in the Arctic Ocean's Beaufort Sea. This dispute, which is driven by the offshore petroleum potential, has not yet been the subject of formal negotiation. Canada proposes as the boundary the prolonged extension of the Alaska-Yukon Territory land boundary, which it interprets as justifying US jurisdiction over the entire Beaufort Sea. In 1978 national legislation, which it interprets as justifying US jurisdiction over the entire Beaufort Sea. In 1978 national legislation, which it interprets as justifying US jurisdiction over the entire Beaufort Sea. In 1978 national legislation, which it interprets as justifying US jurisdiction over the entire Beaufort Sea.

of the International Court of Justice. The court began work on the case in 1992, and a decision is expected this fall. In ruling, however, will not include

Norway claims over 43,500 square miles of Barents Sea continental shelf has been mounting in recent years as the Soviet search for energy resources in Arctic waters has brought the two countries into direct confrontation. At issue is whether division of the shelf—which may extend some 600 miles poleward from Nordkapp (North Cape)—should be based

less than 2,500 meters below sea level and thus could provide their claimants with extensive Arctic jurisdiction.

The Alpha Ridge—which lies between the continental margins of Ekmanøen Island and eastern Siberia—has been the subject of intense study by Canadian geologists

Neither country will relinquish its claim to the boundary and a claim by either to their 50,000 square miles of continental shelf could precipitate a dispute bearing on the interests of the United States—which

The map shows the Gulf of Mexico with a dashed line representing the equatorial line. A solid line indicates the continental shelf. Labels include 'Gulf of Mexico', 'equatorial line', and 'continental shelf'. The map also shows the Gulf of Mexico, the equatorial line, and the continental shelf.

The figure consists of four maps illustrating Japanese expansion over time:

- 1894:** Shows Japan's victory in the First Sino-Japanese War. Korea becomes a Japanese protectorate.
- 1905:** Shows the Russo-Japanese War. Japan gains control of Korea and southern Manchuria.
- 1910:** Shows Japan's annexation of Korea.
- 1941:** Shows Japan's expansion into the Pacific, including Manchuria, Korea, and various islands in the Pacific Ocean.

pirg claims all four littoral countries. North Korea and the USSR, which have already made—but not delimited—overlapping EEZ/coastal shelf claims, are unlikely to have difficulty in agreeing on common boundary, most likely one equidistant from their coasts. They will, however, be far less concerned about the Japanese or South Korean EEZ claims, which are far less likely to overlap theirs. The EEZ claims of the two US allies to press such claims could lead to heated disputes and perhaps military confrontations. Further brokering a negotiated settlement here is in the historical Japanese–South Korean dispute over ownership of the barren Lianaoor Rocks (Take-shima, Tok-to), which will afford jurisdiction over not only 16,000 square miles of surrounding seabed but also a larger portion of the four-party overlap to the north-west.

North Korea-South Korea. Five islands located a short distance from the North Korean coast in the Yellow Sea have constituted another source of friction between the Koreans since the 1953 Armistice Agreement placed them under UN control. Although Pyongyang has repeatedly protested that South Korea's military presence on the islands threatens its national security, it is the two countries' disagreement over the role of the small islands in determining jurisdiction in the Yellow Sea that is more likely to provoke a confrontation—particularly should either side choose to *delimit* or exploit its EEZ or continental shelf claim.

North Korea contends that the UN-controlled island should not affect the delimitation of maritime boundaries around its coastline and claims their surrounding waters is its 12-mile territorial sea. The South counters that the Armistice Agreement obligates the North to respect the contiguous waters of the island and that the Northern Limit Line—established by the

Southeast Asia. Perhaps nowhere is the potential for conflict greater than in the South China Sea and its arm, the Gulf of Thailand, where the petroleum

of its overlying waters have led to complex and contentious jurisdictional struggles involving all of the regional powers. Disputes over maritime boundaries and cultural politics expose Hong Kong and Macau. Shallow disputes in the South China Sea primarily concern ownership of the area's many islands and reefs and the effect on division of the seabed; those in the Gulf of Thailand derive from the different points and methods used by the claimants to construct their boundaries. Both are compounded by the deep-seated hostility between some of the claimants and the narrowness of the seas—each claim overlaps at least two others, with Malaysia's and Vietnam's overlapping six of the others.

Continuing instability in these strategically significant waters is not only detrimental to the national interests of several US allies. It also could endanger US oil and drilling companies operating in the area, disrupt important sea lanes, and threaten the security of seabed monitoring arrays. 25X1

A map of the South China Sea region. The map shows the coastline of China to the west and south, with the label 'CHINA' in the center. To the east of China is the island of Taiwan, labeled 'Taiwan'. Below Taiwan is the label 'HONG KONG'. The 'South China Sea' is labeled in the upper right. The 'Yellow Sea' is labeled in the lower right. The 'East China Sea' is labeled in the lower left. The 'Bohai Sea' is labeled in the lower left. The 'Gulf of Tonkin' is labeled in the lower left. The 'Andaman Sea' is labeled in the lower left. The 'Indian Ocean' is labeled in the lower left. The 'Arabian Sea' is labeled in the lower left. The 'Bay of Bengal' is labeled in the lower left. The 'Andaman Sea' is labeled in the lower left. The 'Indian Ocean' is labeled in the lower left. The 'Arabian Sea' is labeled in the lower left. The 'Bay of Bengal' is labeled in the lower left.

A map of Southeast Asia showing the borders of Thailand, Vietnam, and the Philippines. The map includes labels for 'THAILAND', 'VIETNAM', 'PHILIPPINE', 'MALAYSIA', 'INDONESIA', 'BRUNAI', 'SINGAPORE', 'LAOS', 'CAMBODIA', 'MYANMAR', 'BURMA', 'SRI LANKA', 'INDIA', 'PAKISTAN', 'AFGHANISTAN', 'CHINA', 'TIBET', 'HONG KONG', 'MACAU', 'TAIWAN', 'JAPAN', 'KOREA', 'CHINA', 'TIBET', 'HONG KONG', 'MACAU', 'TAIWAN', 'JAPAN', 'KOREA'. The map also shows the 'Gulf of Thailand', 'Gulf of Vietnam', 'Gulf of Philippines', 'Gulf of Indonesia', 'Gulf of Brunei', 'Gulf of Singapore', 'Gulf of Laos', 'Gulf of Cambodia', 'Gulf of Myanmar', 'Gulf of Burma', 'Gulf of Sri Lanka', 'Gulf of India', 'Gulf of Pakistan', 'Gulf of Afghanistan', 'Gulf of China', 'Gulf of Tibet', 'Gulf of Hong Kong', 'Gulf of Macau', 'Gulf of Taiwan', 'Gulf of Japan', 'Gulf of Korea', 'Gulf of China', 'Gulf of Tibet', 'Gulf of Hong Kong', 'Gulf of Macau', 'Gulf of Taiwan', 'Gulf of Japan', 'Gulf of Korea'.

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